

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 24TH MAY 2016, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was published.

### **Agenda No    Item**

<b>3</b>	<b>PLANNING APPLICATIONS TO BE DETERMINED</b>	
<b>C</b>	<b>16/00152/FUL - TOWN LANE FARM TOWN LANE HESKIN CHORLEY PR7 5QA</b>	(Pages 135 - 148)
<b>I</b>	<b>16/00277/FUL GREEN FARM, WOOD LANE, HESKIN, CHORLEY, PR7 5NP</b>	(Pages 149 - 162)

GARY HALL  
CHIEF EXECUTIVE

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<b>Item 3c</b>	<b>16/00152/FUL</b>
<b>Case Officer</b>	<b>Helen Lowe</b>
<b>Ward</b>	<b>Chisnall</b>
<b>Proposal</b>	<b>Re-positioning of dwelling approved under application 14/00982/FUL and lawful barn under lawful development certificate 15/00340/CLEUD and 3 bay stable block.</b>
<b>Location</b>	<b>Town Lane Farm, Town Lane, Whittle le Woods</b>
<b>Applicant</b>	<b>Mr Howard Rose</b>
<b>Consultation expiry:</b>	<b>14<sup>th</sup> April 2016</b>
<b>Decision due by:</b>	<b>20<sup>th</sup> April 2016</b>
<b>Recommendation</b>	<b>Approve subject to a legal agreement</b>
<b>Executive Summary</b>	<b>The application seeks to relocate, within the site, a number of buildings that presently have extant planning consent. The application site is within the Green Belt. Taking into consideration the extant consent and the provisions of the Framework it is considered that the proposals would not be inappropriate and would not have an unduly harmful impact on the openness of the Green Belt.</b>

## Representations

**Heskin Parish Council** Since 2008 there have been no fewer than 13 applications for schemes on this site. Some have been withdrawn, some have been re submitted. It's almost as if the applicant is unsure of what exactly he wants or is perhaps seeking to confuse.

The Parish Council note that this application is to reposition a dwelling and a barn and a stable block. The Council understood that the dwelling was to replace a redundant existing barn and wonder why indeed there is a need for a new barn. A similar query could be made for a stable block.

It is also noted that this application is being made whilst an appeal against the refusal of two dwellings is still pending. Does this mean that the appeal has been withdrawn or is it a case of "lets see what we can get away with and make more money"

The Parish Council are concerned that if this application is approved , in the not too distant future there will be other applications to build a) a second house in place of the new barn and b) a third house in place of the new stable block ,especially in view of the Councils ( in the Parish Councils view "unwise" ) recent decision regarding Horsemans Farm Stables

If you are mindful to approve this application the Parish Council would like assurances that it will go to Committee for a decision , that (a) and (b ) above will not be allowed to happen ,that facing materials and foul disposal matters would be the subject of your approval in writing (and the Parish Council would like to be consulted before you approve them )

One dwelling is approved already, in the Green Belt. This application should not be allowed to lead to 3 dwellings

Further comments have been received from the Parish Council stating that they do not wish to see more than one dwelling on the site and request that the decision on the application is postponed until the results of the appeal decision is known.

**Cllr Whittaker** There is still a great deal of confusion and concern about what is actually being sought here. The new application whilst the appeal is being heard is deliberately obfuscating the situation. Dwellings are being repositioned, stables are being repositioned, barns are being relocated, all it seems to me to get more development in the Green Belt were none is justified.

Request that the application be determined at Development Control Committee

**In total three representations have been received which are summarised below**

### **Objection**

- There have been numerous amended applications, with a view to increasing the number of buildings on the site for both residential and equine use;

- The Council should consider carefully how much this will impact upon Green Belt and set a precedent for even more such development and erosion of the countryside;
- It is Green Belt land
- The re-positioning of the dwelling to a more prominent position reduces the openness of the Green Belt land from adjacent Town Lane and Millennium Park as it will be directly visible from both;
- The lawful barn has never been constructed and at the moment there is no stable block other than the existing barn. They are concerned the all the buildings together may exceed the current footprint of the existing barn, which is being demolished;
- Although some of these buildings may have been given approval historically as individual buildings, they now need assessing as a group. As a group they will greatly affect the openness of the Green Belt;
- The three large buildings are being individually spread out over the site resulting in a greater impact to the rural aspect and openness;
- The barn and its location could in the future be subject to further development /conversion to yet another dwelling;
- The number of planning applications on the site stands at thirteen over recent years. The site remains unchanged during this period with no obvious sign of any new construction. They believe this is being done on purpose to cause confusion and cloud the site redevelopment for maximum profit, with little regard for the rural openness and maintaining the Green Belt.
- It is development of Green Belt land, repositioning of the dwelling reduces the openness;
- Overlooking and loss of privacy
- They provided permitted access for the existing barn, however now that the application to construct a single dwelling to replace the barn has been approved with its new separate access from Town Lane we insist the access is withdrawn and should be amended on the plans. This will give sole control over their gated access;

### Consultees

Consultee	Summary of Comments received
Greater Manchester Ecology Unit	There are no known ecological reasons why the buildings cannot be re-sited.
LCC Highways	Have stated that they have no objections to the proposals.

**Assessment**Background

1. The application site consists of a yard that comprises livery stables, with a number of storage, shipping containers, a sand paddock and a large area of hardstanding. There is presently an access track that provides vehicular access to Town Lane which runs across land not owned by the applicant.
2. The current application proposes the re-siting of a number of buildings that all have an extant planning consent. These comprise:
  - A barn, granted approval under application 09/00065/FUL. A certificate of lawfulness was granted in 2015 (ref. 15/00340/CLEUD) to confirm that a lawful start on the development has taken place. The permission therefore remains extant and work could re-commence at any time;
  - A cottage and stables, both granted approval under application 14/00982/FUL. The principal of the development was considered to be acceptable as it constitutes the redevelopment of a previously developed site within the Green Belt that would not have a greater impact on the openness of the Green Belt than the existing site. The volume of the buildings to be demolished is approximately the same as the proposed buildings. The existing building to be demolished is a livery stables. At the time of the site visit the use of this building appeared to have ceased and the roof had been removed.
3. The applicant has provided the following comments in response to the third party comments received:
  - It is the right of anyone to submit an application as and when they see fit, and only the LPA have the right to turn any such application away subject to a strict set of criteria, none of which apply in this instance. The question for the LPA is one of 'harm' as in what is the harm that is caused by this proposal? If there is no harm then as the NPPF makes clear, sustainable development should be approved without delay.
  - Whatever route the applicant takes next will probably last for the next hundred years. Whilst they have the opportunity they have tried to make the best layout for the whole site.
  - From the road the most prominent buildings would be the stables and the agricultural barn. We felt it would be a lot better if the house was there. People visiting the house would not have to go via the stables, barn, and yard to get to it. In addition it would be far more secure from animals escaping.
  - By putting the house in the proposed position it would be South West facing as opposed to west facing which would be better for solar panels.
  - The proposed position of the house is further away from the neighbours, It doesn't look overlook anybody else's land or property, as requested. Given that the objector raised the proximity issue with the first application it is illogical for him to object now on relocation further from his property.
  - The proposed position of the barn screens our yard from the neighbours as requested with the original application.
  - Both the stables and the barn are closer to the fields. This is obviously far more desirable and efficient, for the movement of animals and farm machinery, and creates a more logical use of land.
  - The yard is more contained and separated from the house.
  - The yard will be totally screened from the road which has lots of benefits both ascetically and for security.
  - With reference to the objection letters received, most of the points have already been dealt with in previous applications. The fact that the applicant has submitted 13 planning applications over the years is because they are exploring all their options for the site, which as stated above is their right. In reality the same person keeps complaining about everything that they do, and in most cases contradicting themselves.

Principle of the development

4. The application site is located within the Green Belt, where development is strictly controlled. The Framework states that the construction of new buildings should be regarded as inappropriate in

the Green Belt, except in a limited number of specific circumstances. The fact that an extant consent exists for all the buildings proposed is considered to be a material consideration to which significant weight should be attached.

5. At present the approved plans locate the proposed stables within the south east corner of an existing sand paddock which bounds Town Lane. The barn is located just to the south of these stables (although a lawful start has been made, there is little visible above ground work, the commencement consisted primarily of the excavation for steel stanchions, steel reinforcement placement for steel stanchions and pouring of concrete basis for steel stanchions). The approved proposed cottage would be located just to the west of the livery stable to be demolished. It is understood that the dwelling was not located directly on the footprint of the building to be demolished in order to protect the amenities of the occupants of Walmsley's Barn to the east.
6. The current proposals would re-locate the proposed cottage within the sand paddock (which would then become the residential curtilage), the barn approximately on the footprint of the livery stables that are to be demolished and the stables to the south west corner of the application site.
7. Members will note that an appeal has been lodged in respect of the refusal for two dwellings at the site (ref: 15/01133/FUL). The position of the dwelling proposed as part of this application is the same as one of the dwellings which is currently subject to the appeal with the other dwelling subject to the appeal located in the same location as approved dwelling on this site (Ref:14/00982/FUL).
8. In addition to the fact that consent exists for both the stables and barn elsewhere within the application site, it is considered that both buildings would not constitute inappropriate development within the Green Belt under the Framework. The stables are small scale and to be constructed from timber, in accordance with the Council's guidance in the Rural Development SPD and the barn is for agricultural purposes (storage of equipment). As neither of these elements of the proposal constitute inappropriate development within the Green Belt these two elements are considered to be acceptable in principle.
9. In respect of the new dwelling proposed as part of this application the construction of the new dwellings constitutes inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
  - The partial or complete redevelopment of previously developed land;
  - Which would not have a greater impact on the "openness" of the Green Belt; and
  - Which would not have a greater impact on the purposes of including land in the Green Belt.
10. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'.
11. It is considered that in respect of the Framework the existing site has an impact on the openness of the Green Belt. However it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
12. The definition of previously developed land is set out in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land. Land that is or has been occupied by agricultural or forestry buildings is excluded from the definition and it is also emphasised that it should not be assumed that the whole of the curtilage should be developed.
13. Whether the proposed dwellings will have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly

affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.

14. The principle of a dwelling on the application site has been established by the previous grant of planning permission. The new dwellinghouse will be higher than the existing buildings on site however the width of the dwelling compared to the existing building will be smaller and the proposed dwelling will not have a greater volume than the existing building on site. Whilst the revised proposal would result in the dwelling being located further away from the footprint of the livery stables that are to be demolished when compared to the approved scheme, the revised location takes the dwelling closer to Town Lane with the associated residential curtilage occupying an area of land which has already seen some alterations (the sand paddock). This location does not result in the incursion of further built development into the open Green Belt land to the south and ensures that the built form on the site is retained within the existing established curtilage. Taking these factors into consideration, it is not considered that the proposed development will have a greater impact on the "openness" of the Green Belt or have a greater impact on the purposes of including land in the Green Belt.
15. It has been noted that, if the current application were to be approved, it would be possible to implement both application 14/00982/FUL and the current application in part, potentially resulting in two dwellings being erected on the site. This can be overcome by attaching a legal agreement to the decision, whereby the applicant agrees not to implement both permissions. The applicant has indicated that they are willing to sign up to such an agreement and any positive recommendation would be subject to this legal agreement.

#### Neighbour Amenity

16. The nearest residential property is Walmsley's Barn, located to the south east of the application site. The proposed revised siting would result in the proposed cottage being located further from this property. The south east facing elevation of the proposed dwelling would be approximately 40m from the front elevation (north facing) of Walmsleys Barn.
17. The proposed stables would be located approximately 34m from Walmsley's Barn. This is in accordance with the guidance set out in the Council's Rural Development SPD.
18. The proposed access from Town Lane is to be located within the same position as previously approved under application 14/00982/FUL. With regard to the access over neighbouring land this is a private matter between the neighbour and the applicant.

#### Section 106

19. There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Local Plan.
20. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
21. An open space commuted sum was paid in lieu of a section 106 agreement for planning permission 14/00982/FUL. Confirmation from the planning policy section that no further contribution is required is awaited and will be reported on the addendum.

#### CIL

22. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.



### Sustainable Resources

23. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. However, the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

*“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*

*“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*

24. As such there will be a requirement for the dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

### **Overall Conclusion**

25. It is not considered that the proposed changes to the layout of the site would cause a significant degree of harm to the openness and character of the Green Belt, in comparison with the layout as previously approved. Subject to a legal agreement being attached to the consent to prevent the partial implementation of both the current application and application 14/00982/FUL, the application is accordingly recommended for approval.

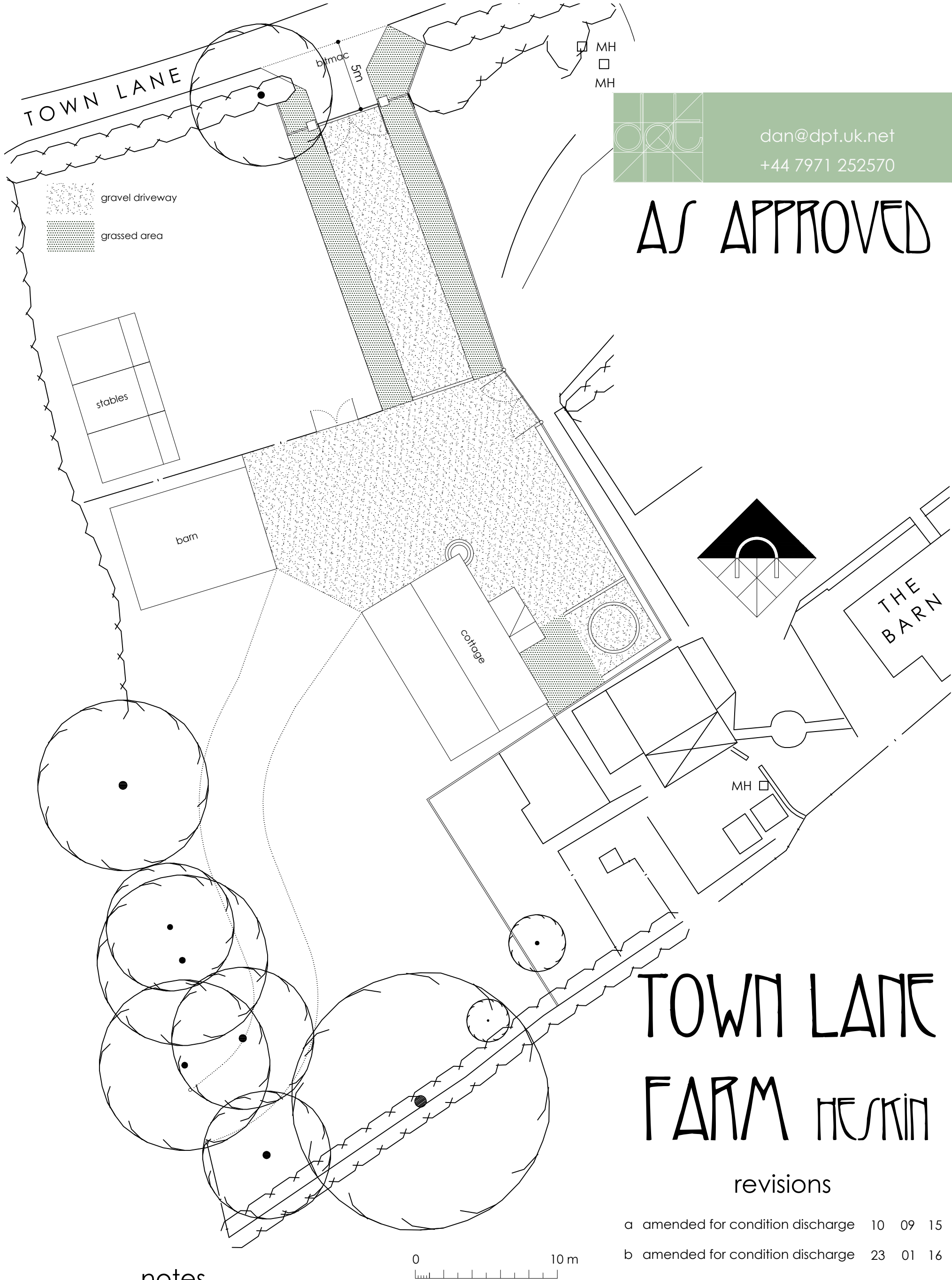
### **Planning Policies**

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

### **Planning History**

Reference	Description	Decision	Date
16/00084/DIS	Application to discharge conditions 3 (drainage details), 9 (House Sparrow mitigation), 11 (Barn Owl survey), 13 and 16 (external facing materials), 17 (hard landscaping details), 18 (levels), 19 (landscaping details), 20 (Dwelling Emission Rate details) and 22 (scheme for the containment and storage of manure) attached to planning approval 14/00982/FUL	Conditions discharged	3 March 2016
15/01133/FUL	Demolition of existing stables and storage buildings and erection of two dwellings	Refused Awaiting appeal	20 January 2016

	(resubmission of application 14/00982/FUL)	decision	
15/00340/CLEUD	That a meaningful start has been made to planning permission reference number 09/00065/FUL for the erection of an agricultural storage building (amended re-submission of application number 08/01208/FUL) by the setting out and excavation of foundations and the laying of steel stanchion bases.	Certificate granted	11 June 2015
14/00982/FUL	Demolition of existing stables and erection of detached dwelling, formation of new access and erection of stable block	Approved	8 September 2015
12/01105/FUL	Application to remove condition no. 6 (which prohibited the business,trade and livery use of the building) of planning permission no. 11/00713/FUL (which permitted the erection of a replacement stable building following demolition of existing stable building) to enable the building to be used as a livery stables	Approved	16 January 2013
12/00274/DIS	Discharge of condition no. 2 (colour, form, texture of external materials including painting) of planning permission no.09/00065/FUL	Conditions discharged	3 April 2012
11/01101/CLEUD	Application for a Certificate of Lawfulness for use of existing building as livery stables	Certificate Granted	29 May 2012
11/00713/FUL	Erection of replacement stable building following demolition of existing stable building (Re-submission of application no. 11/00069/FUL)	Approved	5 October 2011
11/00069/FUL	Proposed demolition of existing stables to be replaced by new stables.	Withdrawn	1 April 2011
09/00065/FUL	Erection of an agricultural storage building (amended re-submission of application no. 08/01208/FUL)	Approved	30 March 2009
08/01208/FUL	Erection of a 3 bay agricultural building	Withdrawn	26 January 2009
08/00824/AGR	Erection of agricultural building for storage of hay and machinery,	Withdrawn	31 July 2008





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AS APPROVED

TOWN LANE  
FARM HESKIN

revisions

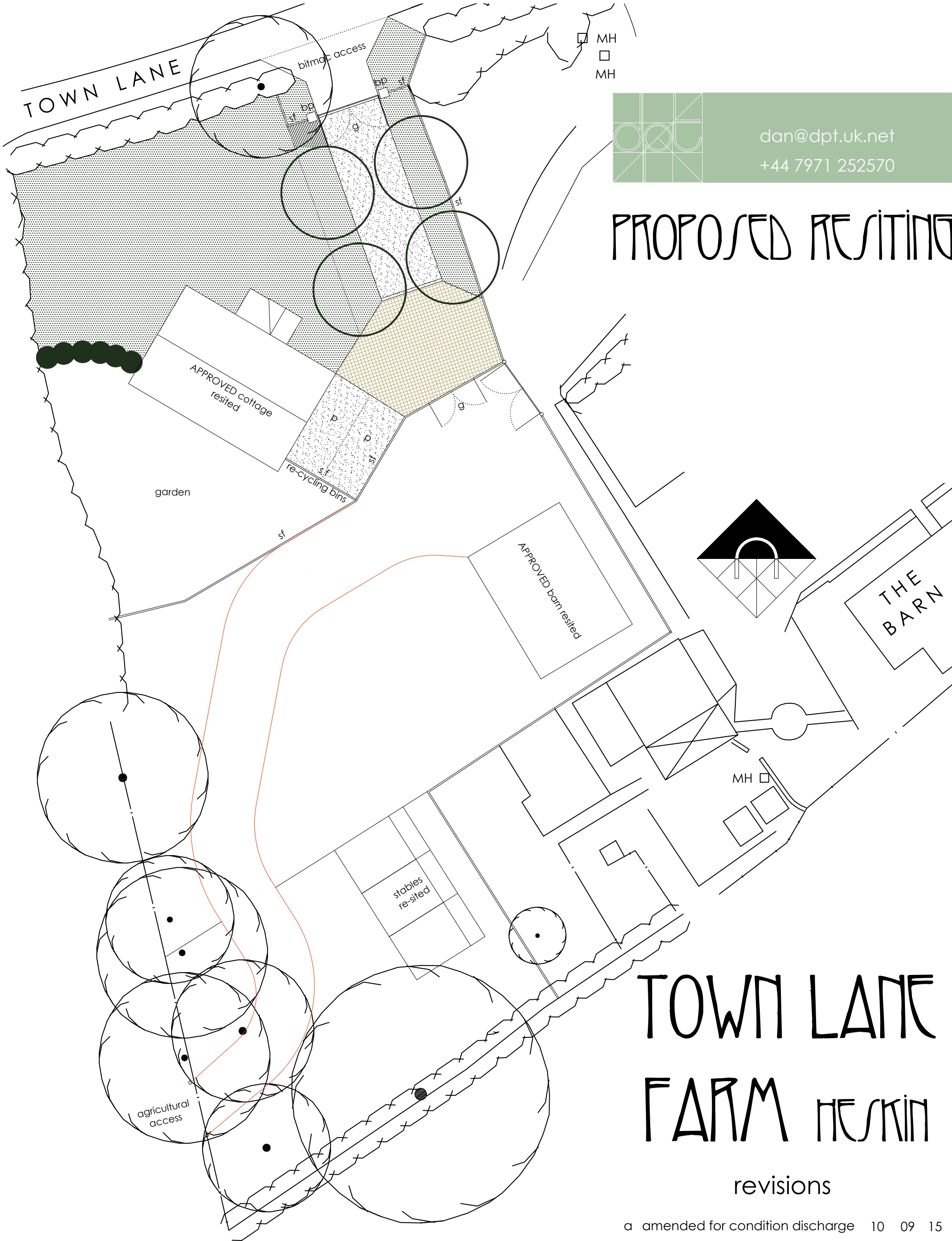
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- b   amended for condition discharge   23   01   16

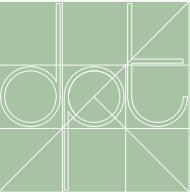
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SITE PLAN

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PROPOSED RESITING

TOWN LANE  
FARM RESKIN

revisions

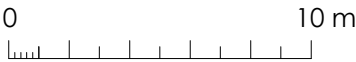
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b	amended for condition discharge	23	01	16
c	amended for re-siting	31	01	16

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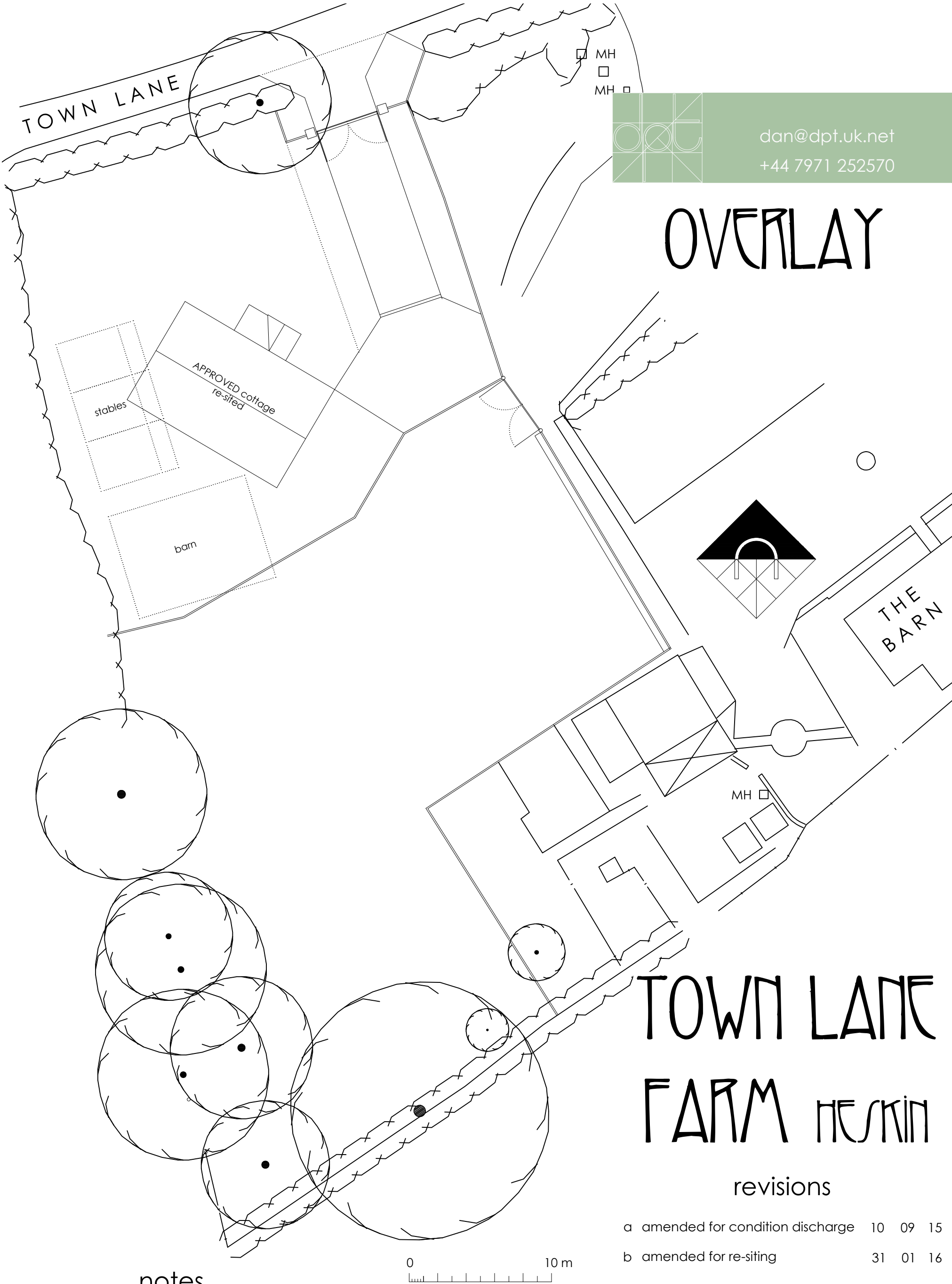
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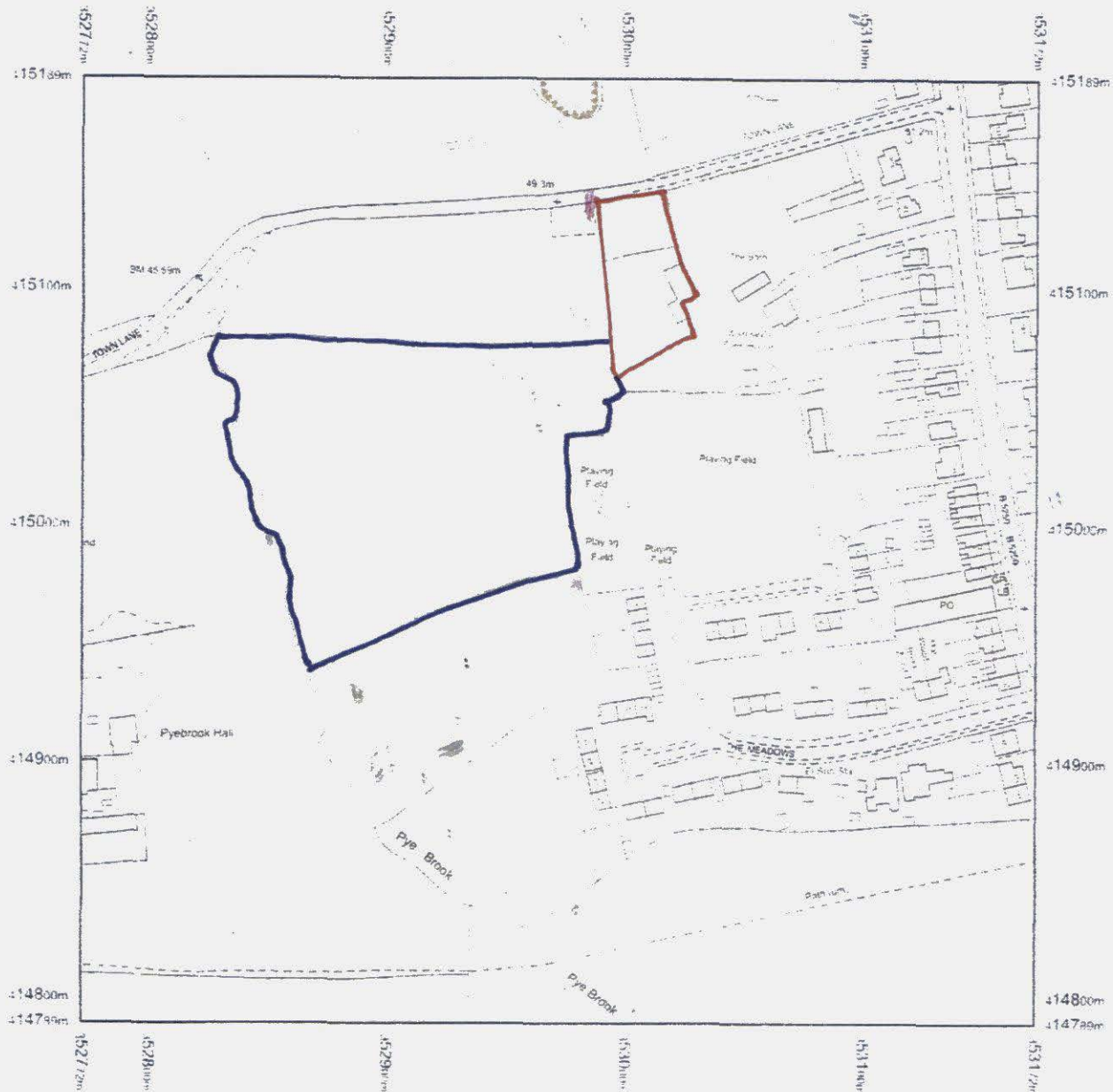
# SITE PLAN

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CHORLEY COUNCIL  
DEVELOPMENT CONTROL

25 NOV 2015

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<b>Item 3i</b>	<b>16/00277/FUL</b>
<b>Case Officer</b>	<b>Helen Lowe</b>
<b>Ward</b>	<b>Chisnall</b>
<b>Proposal</b>	<b>Change of house type including a detached garage on Plot 2 of the current planning approval 14/00952/FUL</b>
<b>Location</b>	<b>Green Farm, Wood Lane, Heskin</b>
<b>Applicant</b>	<b>Mrs J Sheffield</b>
<b>Consultation expiry:</b>	<b>29<sup>th</sup> April 2016</b>
<b>Decision due by:</b>	<b>17<sup>th</sup> May 2016</b>
<b>Recommendation</b>	<b>Approve</b>
<b>Executive Summary</b>	<b>The application seeks to revise one of the house types approved under application 14/00952/FUL. The application site is within the Green Belt. Taking into consideration the extant consent and the provisions of the Framework it is considered that the proposals would not be inappropriate and would not have an unduly harmful impact on the openness of the Green Belt.</b>

**Representations****Heskin Parish Council**

This is a change of house type from that previously approved. This application seems to be larger and consequently there is a distinct possibility of more surface water runoff. The subject of foul and surface water is a real concern and work has been stopped until a proper scheme has been submitted and approved by yourselves. Before plans for foul and surface water are approved it is requested that the Parish Council are consulted.

**In total 0 representations have been received which are summarised below**

<b>Objection</b>	<b>Support</b>	<b>Not specified</b>
Total No. received:	Total No. received:	Total No. received:
•	•	•

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Lead Local Flood Authority	Consultation not required
Chorley Council Planning Policy	An invoice has recently been sent for the full amount relating to application 14/00952/FUL, no further payment is required.

**Assessment**Background

1. The application site has the benefit of full planning permission for the erection of three dwellings (application 14/00952/FUL). The current application seeks to revise the house type proposed on one of the previously approved plots (plot 2).
2. The application site is located within the Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. The fact that an extant consent exists for all the dwelling proposed is considered to be a material consideration to which significant weight should be attached.
3. One of these exceptions is the redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. The application site formerly comprised a number of large buildings (now demolished) that were used for an equestrian enterprise, which falls within the definition of previously developed land. The proposed redevelopment for three houses was also considered not to have any significantly greater impact on the openness of the Green Belt and was therefore considered to be not inappropriate development.
4. The main issues to consider in determining the current application are therefore considered to be whether the revised proposals would have a significantly different impact on the Green Belt or neighbour amenity.

Green Belt

5. The construction of a new dwelling within the Green Belt constitutes inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
  - The partial or complete redevelopment of previously developed land;
  - Which would not have a greater impact on the “openness” of the Green Belt; and
  - Which would not have a greater impact on the purposes of including land in the Green Belt.
6. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’. It is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings. The new buildings must also not “have a greater impact on the openness of the Green Belt”.
7. The definition of previously developed land is set out in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land. Land that is or has been occupied by agricultural or forestry buildings is excluded from the definition and it is also emphasised that it should not be assumed that the whole of the curtilage should be developed.
8. Whether the revised dwelling would have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.

9. Although the existing buildings on the site have now been demolished, as stated previously the previous consent for three dwellings remains extant and this is an important material consideration.
10. When the previous application was approved, the applicant provided calculations to show that the volume of the buildings on the site that were to be demolished would be significantly greater than the volume of the buildings to be constructed. The volume of the proposed amended dwelling would be greater than that previously approved, and the proposals also now include a detached double garage. However, the volume of the three dwellings, and additional detached garage, would still be significantly less than the volume of the buildings to be demolished. The ridge height of the revised dwelling would be the same as previously approved and the width narrower.
11. The revised dwelling would be located within the same plot as the previously approved dwelling, and although it would be larger in size overall, the width would be narrower and the height would be the same. Together with the introduction of the access track to the field at the rear, which introduces a degree of separation between the proposed dwelling and the adjacent plot to the north, it is considered that the proposed revised dwelling would not appear to have a significantly greater impact on the openness of the Green Belt than the originally approved dwelling.
12. The proposed detached garage does include some storage accommodation at first floor level, which would not normally be considered to be appropriate in the Green Belt. However it is considered to be acceptable in this instance as, due to the location and position of the garage, it would not be possible for this to become severed from the proposed dwelling in the future. Furthermore, as discussed above the volume of the proposed buildings on the site as a whole would still be considerably less than the original buildings on the site.

#### Neighbour Amenity

13. The revised dwelling would maintain the interface distances previously approved between the east and west site boundaries. Plot 2 does not bound any residential properties to the south. A single storey element to the dwelling is now proposed on the rear elevation that is adjacent to the north boundary with Plot 1. It is also now proposed to have a 3m wide access between the north side elevation of plot 2 and plot 1 to lead to a paddock to the rear. Until recently this land to the rear was occupied by a large agricultural building that has now been demolished. The single storey element to the rear would comply with a 45 degree plus 3m guideline taken from the nearest ground floor window of the adjacent proposed dwelling at plot 1. The proposed access to the land to the rear would also provide a degree of separation between the two properties that would help to ensure that the proposed single storey element does not create an unduly overbearing feature when viewed from the neighbouring garden. No windows to habitable rooms are proposed at ground or first floor level in the north facing elevation of the proposed dwelling.

#### Other matters

14. The comments of the Parish Council are noted with regard to the site drainage arrangements. The applicant has provided detailed information regarding the proposed drainage arrangements and likely run off rates from the proposed development. This information is currently under consideration. A condition was attached to the original consent requiring the proposed driveways to be constructed from permeable materials. It is recommended that such a condition also be imposed on this application should permission be granted.

#### Section 106

15. There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Local Plan.

16. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
17. A section 106 agreement requiring a financial contribution towards the provision of and improvement of public open space was attached to planning consent 14/00952/FUL. The planning policy section has confirmed that the payment required has recently been invoiced for and that no further contribution is required.

#### CIL

18. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Sustainable Resources

19. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. However, the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

*"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."*

*"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."*

20. As such there will be a requirement for the dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

#### **Overall Conclusion**

21. It is not considered that the proposed changes to the layout of the site would cause a significant degree of harm to the openness and character of the Green Belt, in comparison with the layout as previously approved. The application is accordingly recommended for approval.

#### **Planning Policies**

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal

has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

### Planning History

Reference	Description	Decision	Date
15/01164/DIS	Application to discharge condition 4 (materials), 8 (boundary treatments), 9 (drainage), 11 (design stage assessment) and 12 (landscaping) of planning application 14/00952/FUL	Pending	
14/00952/FUL	Demolition of existing buildings and erection of three detached dwellings (resubmission of application 14/00709/FUL)	Approved	30 October 2014
14/00709/FUL	Demolition of existing buildings and erection of three detached dwellings	Withdrawn	26 August 2014
10/00246/AGR	Application for agricultural prior notification for a steel portal framed agricultural building	Prior approval not required	26 April 2014
09/00346/FUL	Proposed extension to existing barn	Refused	2 July 2009
06/00448/FUL	Proposed barn extension	Approved	1 June 2006
03/01079/FUL	Erection of barn and formation of sand paddock	Approved	1 April 2004
03/00753/AGR	Agricultural determination for the erection of a portal frame building,	Withdrawn	21 August 2003

**Suggested Conditions**

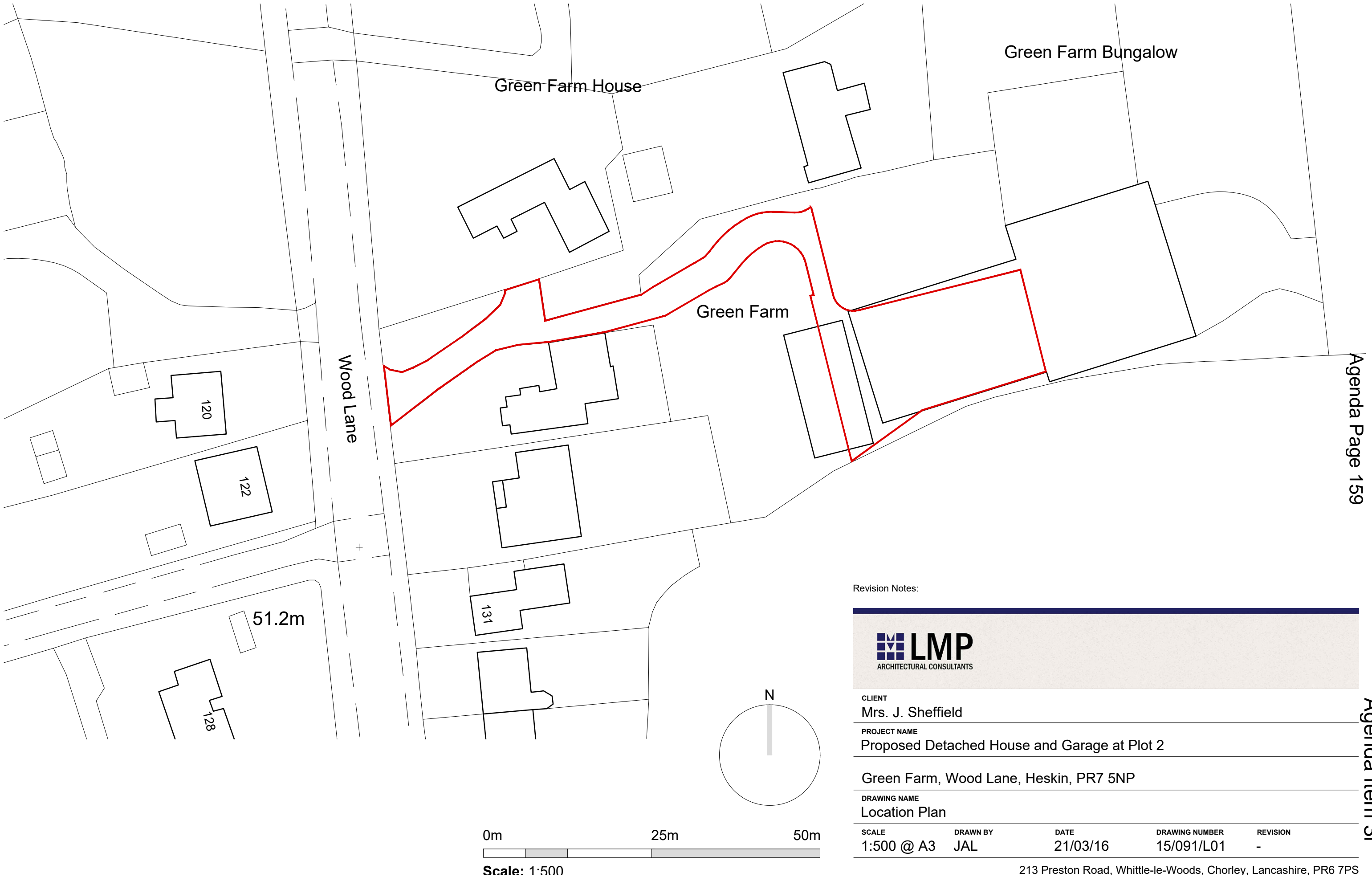
No.	Condition																		
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																		
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><tr><th>Title</th><th>Drawing Reference</th><th>Received date</th></tr><tr><td>Location Plan</td><td>15/09/L01</td><td>22 March 2016</td></tr><tr><td>Proposed site plan</td><td>15/091/P01</td><td>22 March 2016</td></tr><tr><td>Proposed house plans and elevations</td><td>15/091/P02</td><td>22 March 2016</td></tr><tr><td>Sketch floor plans and elevations</td><td>15/091/P02</td><td>22 March 2016</td></tr><tr><td>Proposed garage plans and elevations</td><td>15/091/P03</td><td>22 March 2016</td></tr></table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location Plan	15/09/L01	22 March 2016	Proposed site plan	15/091/P01	22 March 2016	Proposed house plans and elevations	15/091/P02	22 March 2016	Sketch floor plans and elevations	15/091/P02	22 March 2016	Proposed garage plans and elevations	15/091/P03	22 March 2016
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Proposed garage plans and elevations	15/091/P03	22 March 2016																	
3.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																		
4.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding.</i></p>																		
5.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>																		
6.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each</p>																		

	<p>dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
7.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
8.	<p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>
9.	<p>Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>
10.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development]. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p>

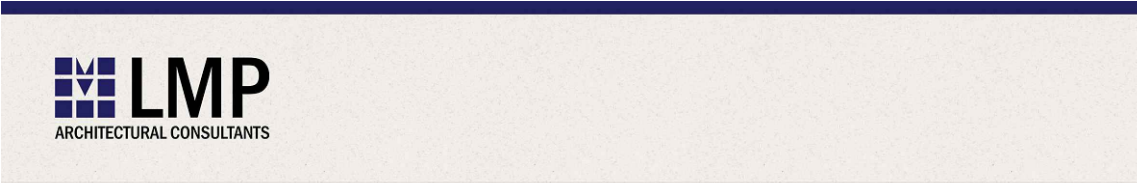


	<i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i>
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Revision Notes:



CLIENT  
Mrs. J. Sheffield

PROJECT NAME  
Proposed Detached House and Garage at Plot 2

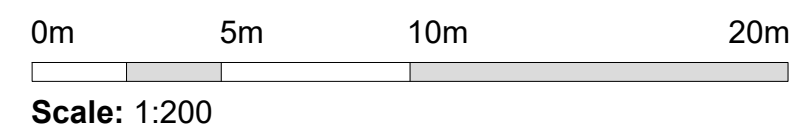
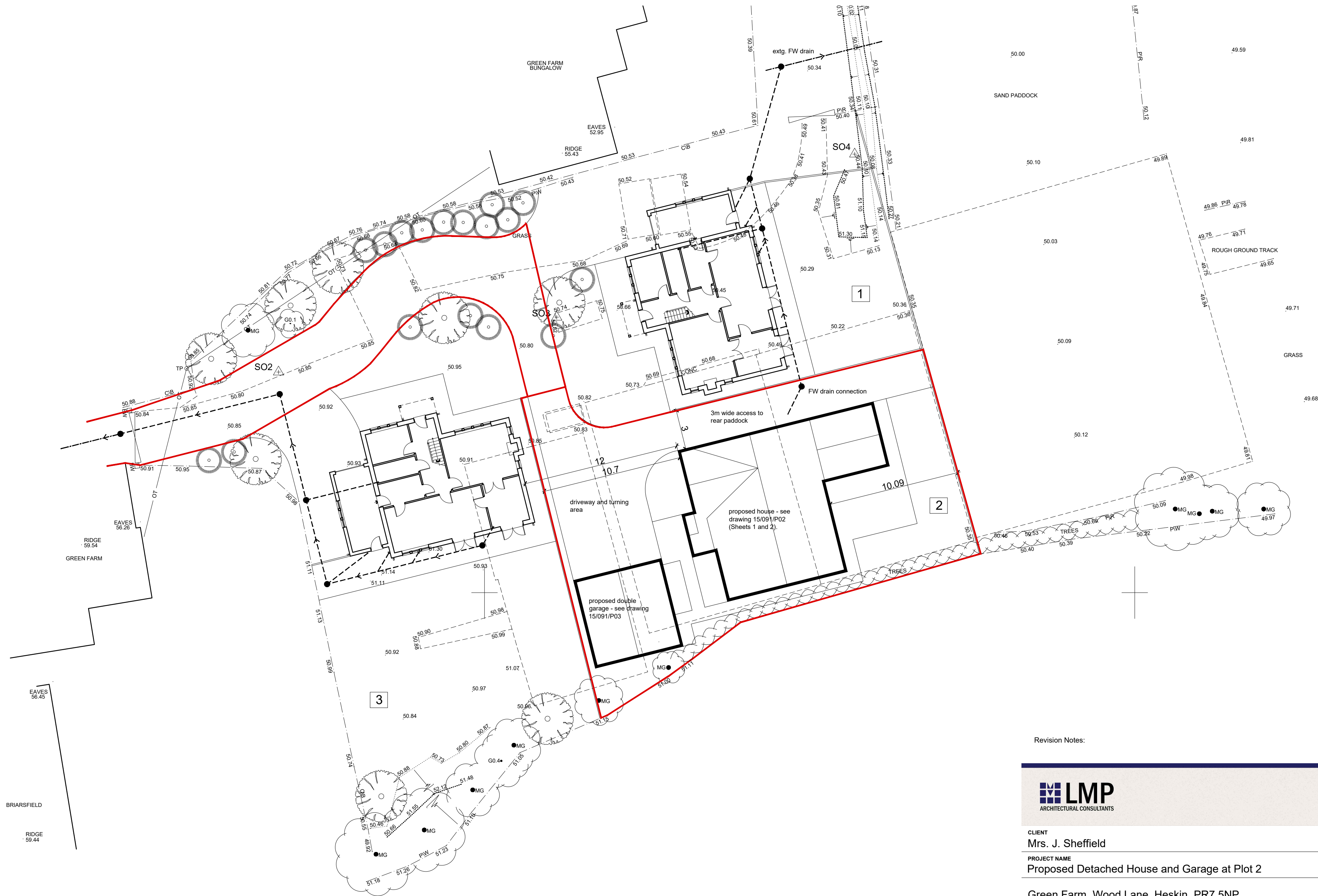
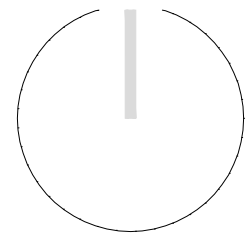
Green Farm, Wood Lane, Heskin, PR7 5NP

DRAWING NAME  
Location Plan

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:500 @ A3	JAL	21/03/16	15/091/L01	-

213 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7PS

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Revision Notes:



CLIENT  
Mrs. J. Sheffield

PROJECT NAME  
Proposed Detached House and Garage at Plot 2

Green Farm, Wood Lane, Heskin, PR7 5NP

DRAWING NAME  
Proposed Site Plan

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:200 @ A2	ASL	06/10/15	15/091/P01	-

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